



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Wednesday, 9th March, 1949

OFFICIAL REPORT

CONTENTS

	Page
Motion <i>re</i> : Aims and Objects of the Constitution of Pakistan—	
Discussions not concluded	25—49

Published by the Manager of Publications, Government of Pakistan, Karachi
Printed by the Asstt. Manager, Governor-General's Press, Pakistan, Karachi

1949

Price : 5 annas

CONSTITUENT ASSEMBLY OF PAKISTAN

Wednesday, the 9th March, 1949

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Four of the Clock in the Evening. Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

MOTION *RE* : AIMS AND OBJECTS OF THE CONSTITUTION OF PAKISTAN—*contd.*

Prof. Raj Kumar Chakraverty (East Bengal : General) : Sir, I beg to move :

“That for the paragraph beginning with the words ‘Wherein the State shall exercise.....’ the following paragraph be substituted :

‘Wherein the elected representatives of the people—in whom shall be centred and to whom shall belong legislative as well as executive authority—shall exercise their powers through such persons as are by law authorised to do so. The elected representatives shall control acts of Government and may at any time divest it of all authority’.”

Sir, I believe in this paragraph the Honourable Mover intends to put the idea of democracy so far as the constitution of our State is concerned, but my complaint is that this idea of a democratic State has not been fully conveyed in the phraseology that occurs in this paragraph. When the Resolution says: “Wherein the State shall exercise its powers and authority through the chosen representatives of the people” it is all right so far as it goes, but the question arises: what are the powers of these chosen representatives? Who are they? What are their functions, especially in relation to the State and the Government? There is nothing clear about it. If, Sir, anybody today goes to Russia and asks a Russian or Marshal Stalin about the system of Government that prevails there, Mr. Stalin will certainly say that his State “exercises its powers and authority through the chosen ‘representatives of the people’” but it is dictatorship and certainly Pakistan does not want it. If anybody today goes to America and asks an American or President Truman about the constitution of America, Mr. Truman also will say that “the State of America exercises all powers and authority through the chosen representatives of the people” but we know it is the capitalistic democracy and that is not what we want in Pakistan. If anybody had gone to Germany, Hitler would have said: “Yes, my State also exercises all powers and authority through the chosen representatives of the people”. But, we know it was Hitlerism or Fascism and that is not what we want in Pakistan, and certainly the Honourable Mover does not want it. The Honourable Mover in the course of his speech has tried to make this point clear on page 4* of his speech and he has stated with regard to this paragraph—“It has been made clear in the Resolution that the State shall exercise all its powers and authority through the chosen representatives of the people. This is the very essence of democracy, because the people have been recognised as the recipients of all authority and it is only in them that the power to wield it has been vested.” Sir, throughout the Resolution nowhere we find this idea embodied or clarified. Therefore, I have put it in my amendment—something about these “chosen representatives”. I say in my amendment that “Wherein the elected representatives of the people—in whom shall be centred and to whom shall belong the legislative as well as the executive authority—

*Now para. 2, page 3 of C. A. P. debates, dated the 7th March, 1949—*Ed. of Deb.*

[Prof. Raj Kumar Chakraverty.]

shall exercise their powers through such persons as are by law authorised to do so." So, these are the people in whom shall be centred and to whom shall belong the legislative as well as the executive authority. That is democracy in the true sense of the term.

Sir, I go further and say in the latter portion of my amendment that even that is not enough for the purpose of a democratic State. Further clarification is necessary. This is, therefore, my amendment: "The elected representatives shall control acts of Government and may at any time divest it of all authority." In other words, at any time, when it is necessary, the elected representatives will be entitled to change the Cabinet, to change the Government. Sir, in this connection, I want to mention that there has been the system of old parliamentary democracy where once the people were elected as representatives of the people by any means—foul or fair, by hook or crook—and once they formed the Government,—we find they carried on, they went on with the Government, with the help of bayonet, if necessary. But the modern parliamentary democracy means something different. People today want to run the State more directly through their representatives, and these representatives can change the form of the Government at any moment they like. Therefore, I have made this point clear in the latter portion of my amendment. The elected representatives "shall control acts of Government and may, at any time, divest it of all authority." So, I have tried to say who are these chosen representatives, what are their powers and functions and what their relations are with regard to the Government and how these chosen representatives of the people can exercise their authority over the Government? Thus, they can go on to the extent of divesting it of all authority if any occasion arises. This, then, Sir, as I understand it, is modern Democracy and this is a true picture of the democracy that I have attempted to put in this amendment. I, therefore, commend it for the acceptance of the House.

Mr. President : Amendment moved :

"That for the paragraph beginning with the words 'Wherein the State shall exercise.....', the following paragraph be substituted:—

'Wherein the elected representatives of the people—in whom shall be centred and to whom shall belong legislative as well as executive authority—shall exercise their powers through such persons as are by law authorised to do so. The elected representatives shall control acts of Government and may at any time divest it of all authority'."

Mr. Bhupendra Kumar Datta (East Bengal : General) : Mr. President, Sir, I beg to move :

"That in the paragraph beginning with the words 'Wherein the principles of democracy.....', the words 'as enunciated by Islam' be omitted."

Thus, the amended paragraph would read :

"Wherein the principles of democracy, freedom, equality, tolerance and social justice shall be fully observed."

Sir, it may be that I am moving this amendment out of ignorance, out of misapprehension, out of a fear of the unknown, fear of the possible variations of the conceptions of democracy, freedom, equality, tolerance and social justice as they obtain in Islam.

If it is ignorance, there is no help for it. It is there, and that ignorance, I am afraid, is not confined to us here on this side of the House. I asked some of the Muslim friends available in this short while. They were unable to help me out of my ignorance.

If it is misapprehension, the Honourable Mover's explanations of the concepts were necessarily couched in too general terms to remove it. If it is a fear of variations in interpretation, the fear is real, for Liaquat Ali Khan's balanced mind—born out of a generous measure of the rational education of the day—cannot simultaneously be requisitioned on all the platforms where these concepts occurring in this very Objectiver Resolution of our future constitution will have to be interpreted over and over again. My fear is real, as these concepts will everywhere be interpreted by much less enlightened men. Sir, it would be wiser perhaps for the House, as our Leader suggested the other day, to dispense with a Resolution of this nature at this stage.

It bristles with difficulties. Sir, I am perfectly confident, it was not intended by the Honourable the Mover, yet there is no avoiding the fact that the clause under discussion at once creates a ruling race, the Patricians of Pakistan relegating the others for all time to come to the position of the Plebeians. The Resolution as it stands, Sir, will imply that those who are privileged to be initiated—or those who are supposed to be initiated into the mysteries of Islamic conceptions of democracy, freedom, equality, tolerance and social justice, belong to a superior order. They are the chosen of God. The feeling is already there in vast sections of the un-enlightened. We so long entertained the best hope that these first ebullitions of a rising people would pass off with time. But, here, we are about to give it high sanction.

As I pointed out yesterday, the momentum we are creating here will be too strong for all manner of sober interpretations, assurances and saving clauses. Sir, I beg of you in all humility, do not thus bisect the nation perhaps for good. It will injure, it will degrade and deprave both the sections, as history of all ages bears witness to. I myself belong to a community that stands condemned in history for this crime of debasing the entire race for centuries. But that is an ancient tale. Shall we sow its seed once again here and at this date? Will that be doing justice to all these Islamic conceptions? I do not know, Sir, but I believe, I submit it in all humility, in trying to glorify them, we are belittling them.

Sir, we on this side of the House claim to be as good Pakistanis as anybody else. We have lived in this land for generations unknown, we have loved this land, we have fought and suffered for its liberation from foreign yoke. We shall resent it for generations that under this clause "as enunciated by Islam" you condemned us for ever to an inferior status and prevented for all time to come Pakistan from growing up into a country of a well-knit, homogenous people. Perhaps it was good that you brought up the Resolution in its present form and after having seen its implications, as they are already operating and as they will always operate, you agreed to withdraw it or alternatively, to remodel it.

Mr. President, Sir, the taste of the pudding is to be found in its eating. Sir, to my mind, democracy, freedom, equality and tolerance—given their real content—are all covered by the other concept, social justice, properly understood. May I take it, Sir, that those of our statesmen, who have been guiding our State affairs today are drunk deep in the fountain of the Islamic conception of social justice—have got their sense of judgment mellowed by that conception? Still, is there in the present arrangement anything—any indication even, that we the minorities can ever come to share power with the majorities in the administration except by charity or sufferance? These two terms—charity and sufferance are very rightly replaced by the Honourable Mr. Liaquat Ali Khan by the concept of 'respect'. And I am profoundly grateful to him for it.

[Mr. Bhupendra Kumar Datta.]

Yet, the present arrangements continuing, and with the outlook behind the present Resolution is there any foreseeable future, when the minorities will ever come to share power? No, Sir, the nation will remain communally divided into two distinct houses; and without a legitimate right to share power, the minorities will taste neither democracy, nor freedom, nor equality, nor social justice. They may merely be tolerated. Will they not under those circumstances labour perpetually under a sense of frustration?

All our present administrators, except one in the Central Cabinet are, let me take it, for generations imbued with that spirit of social justice, of which the Resolution speaks. Yet, is there even a hint anywhere in the day-to-day working of the administration that we, the minorities, shall, as a matter of right, have the opportunity to serve the State and its defences?

Sir, we the Bengalis gratefully remember those Muslim rulers of Bengal, who got our Hindu scriptures rendered into the Bengali language. We are thankful for the Honourable Mr. Liaquat Ali Khan for reminding us on this occasion of those rulers. But, Sir, under the prevailing sense of superiority which does scant justice to those Islamic conceptions, may I respectfully submit that under his very nose, plans are being conceived, in the name of a new Esperanto, to make a hash of the Bengali language and script—so dearly cherished by every Bengali, Muslim or non-Muslim? Permit me also, Sir, to politely point out to the Honourable Mr. Liaquat Ali Khan that State machineries of today are very much more soul-less, very much more like the steam-roller than the State machineries of old days.

Sir, from the present let me pass on to the future. I may not speak much from the little knowledge I gather from literature. Still, with the noble words of the Honourable Mr. Liaquat Ali Khan to re-assure me against it, the conception of the treatment to the '*jimmis*' as it appears here and there, subjects the minorities, I am afraid, to limitations—limitations that at this age are derogatory to the minorities that would suffer them and derogatory to the State that would adhere to them.

Sir, let me avoid its implications and other references. Let me submit, Sir, that by mutual contact, mutual conflict and mutual contribution, human conscience is evolving and with it are also evolving these concepts of democracy, freedom, equality, tolerance and social justice.

For instance, Sir, we, the Hindu have so long glorified the ideal as it is there in the story of Padmini of Rajputana. But dare we today reject off-hand the opposite ideal as conceived in Maurice Maeterlinck's *Mona Vana*?

Again, for instance, Sir, in our conception of freedom and equality, what attitude shall we take to the status of women? I do not mean merely the economic status, Sir, I do not know—the ideal comes from the West—it may be very good, it may be very bad—but still the idea that Ibsen's *Norah* implies is before us all. We may accept it, we may reject it. But in our social affairs, we ought to leave the door open for such conflicts of ideals so that we may progress.

As I have said before, given their real content, all the other concepts mentioned in the paragraph may be included in the one of social justice. And as all these concepts are evolving and broadening through various experiences and experiments, conflicts and adjustments, we are conceiving of a social structure, which will render social justice spontaneous and automatic, rather than dependent on the gift and good-will of any individual or any group of individuals. The modern conception of, or the just evolving

shape of, social justice is very different from what it was at any time in history. Throughout history, for instance, men have lived on the fruits of others labours. That has seldom been considered so unjust as to set any large sections of men about altering the position. It is only in recent history that increasing numbers of men have been demanding that those who earn by the labours of their hands and brains, or, in other words, those who produce for the society's material and intellectual sustenance shall be the masters of the society—not in the figurative sense as at present applied to our voters—but in the real sense of the expression.

I have yet to know of any social or religious system of the past, which conceives that those who were nothing yesterday shall be everything tomorrow. They shall not for ever be condemned to a status of inferiority, as in every society up till now. The newer social justice, with the other concepts giving it its full content, is that all men may come up morally, materially, socially and intellectually on a common platform, managing their day-to-day affairs together—not in an eternity but in a few years and that all may equally strive together for it right from today.

Why then circumscribe that evolution? Why put in any qualification—however sacred and majestic—to the evolution of the various concepts mentioned herein? Let us accept them from stage to stage of their evolution and thus help the growth of one homogenous State here that will serve all our people—irrespective of creed or caste and will itself be served by them all—loyally and steadfastly.

My appeal to the Honourable Members of this House is: Let them not go merely by a blind reaction of what they may have suffered under other conditions. Let them rise to the occasion and concentrate on the future of our State. The birth of the State of Pakistan has set in a great renaissance among vast numbers. Vast numbers have been brought on to the road to human dignity. Let us, in the new society we are all collaborating to build up through this constitution, continue to make newer and newer experiments with everyone of these concepts towards the building up of a new nation for service to mankind. Through the realisation of that glorious future, I believe, we shall also find the fulfilment of all our sacred trusts and beliefs. With this appeal and with these few words of explanation I beg to commend this amendment to the acceptance of the House.

Mr. President: Amendment moved:

“That in the paragraph beginning with the words ‘Wherein the principles of democracy’, the words ‘as enunciated by Islam’ be omitted.”

Mr. Kamini Kumar Datta (East Bengal: General): Sir, I beg to move:

“That in the paragraph beginning with the words ‘Wherein the principles of democracy’, after the words ‘as enunciated by Islam’ the words ‘and as based upon eternal principles’ be inserted.

To make my amendment clear, it will be better if I read the paragraph itself first. It runs thus—

“Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed.”

And with my amendment the paragraph would run thus:

“Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, and as based upon eternal principles shall be fully observed”.

I do not ask for the elimination of the expression “as enunciated by Islam”, but to make the position free from any sort of misapprehension, I have asked for the addition of a few more words after the words “as enunciated by Islam”, and they are “and as based upon eternal principles”.

[Mr. Kamini Kumar Datta.]

This paragraph is a very important one and, I must say, one of the basic paragraphs of this Resolution. In this paragraph is embodied all the basic fundamental principles of social order guaranteeing and securing democracy, freedom, equality, tolerance and social justice. So really this paragraph lays down the very foundation of the future constitution. No doubt, when the constitution itself will be framed, the actual shape in which these principles will be translated will be apparent. I am fully conscious of that and that will be a time when we shall have to see whether the constitution, which is being framed, guarantees and secures democracy, freedom, equality, tolerance and social justice. But at this stage I may say with all the emphasis I can command that no room for misapprehension should be left. The addition of these few words would remove all scope for misapprehension. I am not forgetful of the cardinal principles of Islam of justice, liberty, equality and fraternity. But it is not possible for everyone and each one and for all the people to make their mind free from any sort of apprehension from any sort of idea that while guaranteeing these rights, there is this indirect attempt to circumscribe the limits, that is, some sort of limitation is intended to be put in.

So, I say that the addition of the words that I have asked to be put in by the amendment will remove the opportunity for any such misapprehension. Of course, I am not terrified of the word 'Islam'. I remember that many of the Muslim saints have said that Islam in the true sense of the word is not the exclusive possession of any one particular nation, but it has the patrimony of all mankind. Remembering all this and those who would look at it from a broader sense, they would not feel alarmed or terrified at all. As I have said, the time for actual translation of the principle into action will come when the constitution will be framed. Still, I would submit that while laying down the fundamental principle, no scope for any misapprehension ought to be left; and if the addition of a few words will remove that misapprehension, there can be no objection to the acceptance of the amendment. With these few words, I commend my amendment for the acceptance of the House.

Mr. President : Amendment moved :

"That in the paragraph beginning with the words 'Wherein the principles of democracy', after the words 'as enunciated by Islam' the words 'and as based upon eternal principles' be inserted."

Mr. Prem Hari Barma (East Bengal : General) : Sir, I move :

"That in the paragraph beginning with the words 'Wherein the principles of democracy', after the words 'as enunciated by Islam' the words 'and other religions' be inserted."

Sir, on this very paragraph I have another amendment No. 15. Can I move it also now ?

Mr. President : You can move that also now.

Mr. Prem Hari Barma : Sir, I move :

"That in the paragraph beginning with the words 'Wherein the principles of democracy', after the words 'as enunciated by Islam' the words 'but not inconsistent with the Charter of the Fundamental Human Rights of the United Nations Organisation' be inserted."

Amendment No. 11, which has already been moved by Mr. Bhupendra Kumar Datta and of which I had also given notice also relates to this paragraph. So, I shall now speak on all these three amendments. I begin first with amendment No. 11 which says :

"That in the paragraph beginning with the words 'Wherein the principles of democracy', the words 'as enunciated by Islam' be omitted."

If the words 'as enunciated by Islam' are omitted from this paragraph, it will cover a much more wider range of the principles of democracy, freedom, equality, tolerance and social justice, but with the retention of these words the paragraph will cover only those principles of democracy, freedom, tolerance, equality and social justice which have been enunciated by Islam, with the result that on account of this limitation many of the universally accepted principles of democracy, freedom, equality, tolerance and social justice will be left out.

The Honorable Mr. Liaquat Ali Khan (East Bengal : Muslim) : What are those principles ?

Mr. Prem Hari Barma : There are many other principles. Just as we do not know the principles which are enunciated by Islam, in the same manner we do not know other principles. Those principles may be covered by this amendment.

Sir, these principles should be broad-based, so that all sections of the people of Pakistan may equally observe them. But if you confine these principles of freedom, democracy, equality, tolerance and social justice to those of Islam only, you cannot compel non-Muslims to observe them, as it has been stated in another paragraph that adequate provision shall be made for the minorities fully to profess and practise their religions and develop their culture. Therefore, you will have to provide in the constitution a different set of principles on democracy, freedom, equality, tolerance and social justice for the non-Muslims, as there is every possibility that some of the principles enunciated by Islam may be inconsistent and contradictory to those enunciated by other religions. Therefore, the best course would be that the words 'as enunciated by Islam' are omitted and the constitution is based not on religion but on universally accepted principles of democracy, freedom, equality, tolerance and social justice.

Sir, if it is insisted that these words should be retained in the paragraph, then my amendment No. 13 may be accepted. I propose by this amendment that, in addition to the principles enunciated by Islam, the principles enunciated by other religions shall also be fully observed. If this amendment is accepted, there will be no objection either from the major Muslim community or from other Non-Muslim minorities of Pakistan. Sir, having regard to the fact that there are a considerable number of non-Muslims in the State of Pakistan, it would certainly be a fatal policy to base the constitution on the principles of Islam only and thereby create misconception and misapprehension in the minds of the people of other religions. If you intend to base the constitution on religion then base it not only on the principles of one religion but on the principles of other religions also that are practised by the non-Muslims of Pakistan.

Sir, I have also another amendment on the same paragraph, namely, amendment No. 15. By this amendment I want to add the words 'but not inconsistent with the Charter of the Fundamental Human Rights of the United Nations Organisation' after the words 'as enunciated by Islam'. Our State of Pakistan has already become a member of the U. N. O. and therefore our State is already bound by the Charter of the Fundamental Human Rights of the U. N. O. So long as our State of Pakistan will remain a member of the U. N. O., the Charter of the U. N. O. regarding the Fundamental Human Rights will be binding on it. Therefore, there cannot be any objection to the words I have suggested. I hope the Honourable Mover and the House will at least accept this last amendment of mine if it is insisted that religion should not be divested from politics.

Mr. President : Amendments moved :

“That in the paragraph beginning with the words ‘Wherein the principles of democracy’, after the words ‘as enunciated by Islam’ the words ‘and other religions’ be inserted.”

“That in the paragraph beginning with the words ‘Wherein the principles of democracy’ after the words ‘as enunciated by Islam’ the words ‘but not inconsistent with the Charter of the Fundamental Human Rights of the United Nations Organisation’ be inserted.”

Prof. Chakraverty, your amendment is covered by the amendment already moved. You may, therefore, speak on it later on when an opportunity occurs.

Prof. Raj Kumar Chakraverty : Will that be a general discussion ?

***The Honourable Mr. Liaquat Ali Khan :** May I point out the general procedure that those Honourable Members who have moved amendments do not have a right of another speech, otherwise this discussion will become indefinite and therefore whatever they have to say about the Resolution they should say it while they are moving their amendments ? Therefore, I would submit for your consideration and for the consideration of the House that if there are three or four amendments standing in the name of one member he may move all the amendments at one time and then make a speech dealing with each amendment and if he wants to make any observations on the other parts of the Resolution he should be allowed to do so. But, if the members are going to move amendments, then make speeches and then again take part in the discussion I think this debate will never terminate.

Mr. President : I think that procedure will greatly economise time. So far as the movers of the amendments are concerned it will give them an opportunity to speak on the amendments which stand in their names and also on the Resolution as a whole.

Prof. Raj Kumar Chakraverty : So long we have been under the impression that we could speak only on the amendment and if we referred to any other matter we would be irrelevant. Therefore, the speakers on this side spoke only on the amendment and not on other matters. Now a new procedure has been suggested.

Mr. President : I shall see that you are not prejudiced in any way. I shall see to that.

***The Honourable Mr. Liaquat Ali Khan :** I may point out that it is not a new procedure when Resolutions are discussed and I think my Honourable friends will agree with me that they have not confined their remarks strictly to the subject-matter of the amendments which they have moved. They have covered the whole field which is covered by this Resolution. I want to assure my Honourable friends that it is not my intention to suppress discussion in any way but at the same time I think we must follow the usual procedure so that we can finish this Resolution in good time.

Mr. Prem Hari Barma : Sir, I beg to move :

“That in the paragraph beginning with the words ‘Wherein the Muslims shall be.....’ for the words ‘Muslims shall’ the words ‘Muslims and non-Muslims shall equally’ be substituted.”

Sir, I also move :

“That in the paragraph beginning with the words ‘Wherein the Muslims shall be.....’, for the words ‘Islam as set out in the Holy Quran and the Sunna’ the words ‘their respective religions’ be substituted.”

Mr. President : That is a different paragraph. You can also move any other amendment standing in your name and after you have moved you may

*Speech not corrected by the Honourable Member.

speak in support of all the amendments as well as make a general speech on the Resolution.

Mr. Prem Hari Barma : Then shall I move Amendment No. 27 also ?

Mr. President : All right.

Mr. Prem Hari Barma : Sir, I beg to move :

“ That in the paragraph beginning with the words ‘ Wherein adequate provision shall be made to safeguard ’, for the words ‘ and depressed classes ’ the words ‘ classes and Scheduled Castes ’ be substituted.”

Sir, there are two amendments of mine in this paragraph. With the amendments the paragraph will read thus :

“ Wherein the Muslims and non-Muslims shall be equally enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of their respective religions.”

Sir, we are here to frame the constitution of our State, not only for Muslims, who are in a majority in the State but also for other communities, what we shall provide on the constitution we shall provide for all. If we want to make any provision whereby only a section of the people will be enabled to order their lives in accordance with the teachings and requirements of their religious scriptures we shall be doing an injustice to those who do not profess that religion if we also do not make similar provisions for them. If my amendments are accepted it will not in any way minimize the importance of the teachings and requirements of Islam as set out in the Holy Quran and the *Sunna*. On the other hand, the non-Muslims also will be enabled to order their lives in accord with the teachings and requirements of their respective religions. I, therefore, request the Honourable the Mover of the Resolution to accept these two amendments of mine.

Sir, with regard to Amendment No. 27, I would like to say that the word “ depressed ” is not palatable to the Scheduled Castes and they dislike it as it primarily connotes social degradation. There is no doubt that some of the Castes included in the list of Scheduled Castes of the Government of India Act, 1935, are socially degraded but there are others in that list who are not socially degraded but are backward educationally, politically and economically. It was on the objection of these Castes, who are not socially degraded, that the words “ Scheduled Castes ”, were adopted in place of the word “ depressed ” in the Government of India Act, 1935, because the words “ Scheduled Castes ” do not imply any status or position in the society but imply only a list of castes who require special safeguards for their educational, political and economical advancement. It should be remembered that the word “ depressed ” had not been used in the Government of India Act, 1935, but that the words “ Scheduled Castes ” had been used. I therefore request the Honourable the Mover of the Resolution and the House to accept my amendment in accordance with the wishes of the Scheduled Castes of Pakistan.

Mr. President : Amendments moved :

“ That in the paragraph beginning with the words ‘ Wherein the Muslims shall be ’ for the words ‘ Muslims shall ’ the words ‘ Muslims and non-Muslims shall equally be substituted.”

“ That in the paragraph beginning with the words ‘ Wherein the Muslims shall be ’, for the words ‘ Islam as set out in the Holy Quran and the *Sunna* ’ the words ‘ their respective religions ’ be substituted.”

“ That in the paragraph beginning with the words ‘ Wherein adequate provision shall be made to safeguard ’ for the words ‘ and depressed classes ’ the words ‘ classes and Scheduled Castes ’ be substituted.”

Mr. Bhupendra Kumar Datta : Mr. President, Sir, I beg to move :

“That in the paragraph beginning with the words ‘Wherein the Muslims shall be.....’ after the words ‘Holy Quran and *Sunna*’ the following be added :

‘in perfect accord with non-Muslims residing in the State and in complete toleration of their culture and social and religious customs’.”

Thus amended, the paragraph will read :

“Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and the *Sunna* in perfect accord with non-Muslims residing in the State and in complete toleration of their culture and social and religious customs.”

Sir, the purpose of this amendment of mine is very simple. It has reference to the words “collective spheres” in this particular paragraph of the Resolution. Collective spheres may include geographical contiguity. In our parts, in most places, we Hindus and Muslims live as next door neighbours. For generations unknown we have observed our respective social and religious functions in perfect amity and concord, sometimes even joyfully participating in each other’s celebrations, but in recent years there has grown an amount of intolerance.

Many of our Hindu households have got a small place where man and women worship their respective dieties often blowing conch-shells and playing other instruments or reciting religious hymns. They also congregate for the observance of other religious ceremonies with similar and other rites. I personally may or may not be enamoured of many such rites and rituals, but there is no denying the fact that millions still look upon them as sacred.

There are other spheres in which the Muslims have hitherto respected the religious susceptibilities of their neighbours. I press this amendment to the acceptance of the Honourable the Mover of the Resolution so that the spirit of tolerance as envisaged in the foregoing paragraph may be translated into action and that there may be an explicit provision for its actual practice.

Mr. President : Amendment moved :

“That in the paragraph beginning with the words ‘Wherein the Muslims shall be.....’ after the words ‘Holy Quran and the *Sunna*’ the following be added :

‘in perfect accord with non-Muslims residing in the State and in complete toleration of their culture and social and religious customs’.”

Mr. Kamini Kumar Datta : Mr. President, Sir, it will be an economy of time if I would move both amendments Nos. 19 and 23, because I may say that they are merely amendments more of a drafting nature.

Mr. President : And if you have to say anything generally on the Resolution you may also say that at this stage.

Mr. Kamini Kumar Datta : Now, Sir, I first move :

“That for the paragraph beginning with the words ‘Wherein adequate provision shall be made for the minorities.....’, the following paragraph be substituted :

‘Wherein shall be secured to the minorities the freedom to profess and practise their religions and develop their cultures and adequate provision shall be made for it’.”

Then the other amendment which I move is this :

“That in the paragraph beginning with the words ‘Wherein shall be guaranteed....’ after the word ‘guaranteed’ the word ‘and secured to all the people of Pakistan’ be inserted.”

These two amendments of mine refer to two paragraphs. The first one to paragraph which stands thus in the Resolution :

“Wherein adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures ;”

So, Sir, the fundamental principle is laid down there and my object is to make provision for the safeguard of the minorities to profess and practise their religions

and develop their cultures. I may make it clear that I have no quarrel with the principle laid down in this paragraph at all. I fully agree with it. Only, Sir, I have put it in this way because in this paragraph, as it stands here, it is said : "provision shall be made" and instead of that I put down : "Wherein shall be secured to the minorities the freedom to profess and practise their religions and develop their cultures", as exactly in the Resolution "and adequate provision shall be made for it". I have said first of all that let there be the provision in the declaration that these rights are secured—and consequently provision shall also be made for the safeguarding of the minorities' rights. So, Sir, my amendment only relates to drafting but that is an essential aspect of the Resolution. In the Resolution as it now stands one might ask whether the rights of the minorities in respect of their freedom to profess and practise their religions and develop their cultures has been secured or not. So to remove this misapprehension and to make it more emphatic and clear I have put in this amendment for the change in the draft. My object is the same as provided in the Resolution but I intend to make it more clear and to clarify the whole position I have laid down the principle that these rights are secured and then, I have said that provision shall be made for safeguarding of those rights, which have been secured in this Fundamental Rights' Resolution.

Then, Sir, as to the other amendment it refers to another paragraph in the Resolution which runs as follows :

"Wherein shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality ;"

This amendment, which I have proposed, is also of a drafting nature. There I have said : "Wherein shall be guaranteed and secured to all the people of Pakistan". There it is not mentioned "secured" to whom and "guaranteed" to whom. Therefore, Sir, after the word "guaranteed" I propose "and secured to all the people of Pakistan" and then the rest of the paragraph stands as it is.

So the object of both the amendments in respect of the two paragraphs is to retain the fundamental principle of the paragraph but to make them more effective and to make them more intelligible and to remove all sorts of misapprehensions as to the interpretations of the paragraph. I need not, Sir, dilate upon my amendments. Of course, the President has said I can speak on the main Resolution also. I need not repeat what I have already said. I made my mind quite clear. I only say that if necessary the Honourable the Mover of the Resolution would see and should be ready to amend the main Resolution keeping intact the fundamentals of the Resolution but at the same time to modify it in a manner which may remove all misapprehensions as to the interpretation of the Resolution.

Mr. President : Amendments moved :

"That for the paragraph beginning with the words 'Wherein adequate provision shall be made for the minorities.....', the following paragraph be substituted :

'Wherein shall be secured to the minorities the freedom to profess and practise their religions and develop their cultures and adequate provision shall be made for it.'

That in the paragraph beginning with the words 'Wherein shall be guaranteed...' after the word 'guaranteed' the words 'and secured to all the people of Pakistan' be inserted."

Prof. Raj Kumar Chakraverty : Sir, I beg to move :

"That in the paragraph beginning with the words 'Wherein adequate provision shall be made to safeguard.....', between the words 'backward' and 'and depressed classes' the words 'and labouring' be inserted."

So that when the amendment is put in the body of the Resolution, it will read thus :

"Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward, labouring and depressed classes."

[Prof. Raj Kumar Chakraverty.]

Sir, in commending this amendment to the House, I do not think I should speak much. It is a good thing that in our constitution adequate provision shall be made to safeguard the legitimate interests of minorities, backward and depressed classes, but let us not forget in this connection the class of persons today who deserve our special attention. They are the labouring class of the people. Today, it has been recognised all over the world that these people produce the means of our livelihood and on their happiness and prosperity depend our happiness and prosperity. Therefore, we should do all we can for their uplift and for their improvement. Sir, the world today is full of unrest and this unrest is to a great extent due to the new consciousness that has come among the labouring population, and unless we do something for them, this unrest in the world will not subside and we will be plunging into more and more difficulties as time passes on. Sir, the question of the wages of labourers deserves our special attention. The question of their hours of work has to be considered. The question of their education, the removal of their illiteracy should be tackled as early as possible. The amenities of life to which they are entitled and which they are unfortunately denied have to be taken into consideration and their cultural education also has to be attended to. These are some of the aspects which should be considered in our new constitution where adequate provision should be made for them. Sir, the problem of labouring class is a problem by itself. It is the problem of problems today. It is not a general problem. Therefore, I plead that special provision should be made, along with others, for the labouring classes also.

I want to make a few observations on another amendment that I was to move, but it was moved by my friend, Mr. Prem Hari Barma. That was amendment No. 14. The amendment was :

“ That in paragraph beginning with the words ‘ Wherein the principle of democracy’, after the words ‘ as enunciated by Islam ’ the words ‘ but not inconsistent with the Charter of Human Rights adopted by the United Nations Organisation be inserted.”

Sir, in the Resolution occurs the following :

“ Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed.”

They are good so far as they go, but they are abstract principles. If they were mentioned in the abstract, one would have very little to say to the wording, but they have been qualified. There are, let us not forget, many people who do not know the teachings of Islam. There are a good many non-Muslim citizens in Pakistan and there are a good many people in the outside world who do not know what the teachings of Islam are. Therefore, it is not sufficient to qualify these words by saying “ as enunciated by Islam”, but further clarification is necessary to remove all misapprehension and misunderstanding with regard to the practical application of these words.

Sir, the Honourable the Mover has interpreted some of these terms in the course of his opening speech. He has said that the tolerance which is envisaged by Islam is :

“ a minority does not live on sufferance, but is respected and given every opportunity to develop its own thought and culture, so that it may contribute to the greater glory of the entire nation.”

Then he has stated something about social justice :

“In the matter of social justice as well I would point out, that Islam has a distinct contribution to make. Islam envisages a society in which social justice means neither charity nor regimentation. Islamic social justice is based upon fundamental laws and concepts which guarantee to man a life free from want and rich in freedom.”

Sir, we cannot forget that the interpretation put upon some provision of law or upon some wording is not the same as another person, sometimes after, puts upon it. A lawyer interprets the law in one way today and upon the same

provision another lawyer puts another interpretation tomorrow. The Honourable the Mover has interpreted this 'tolerance' and 'social justice' in the way he understands them, but there is no knowing whether any other Prime Minister of Pakistan, who will happen to come hereafter, say, ten or fifteen years, will put the same interpretation upon these words. So, Sir, further clarification is necessary and for the purpose of clarification I have said "not inconsistent with the principles enunciated in the Charter of Human Rights as accepted by the United Nations' Organisation". Sir, these principles in the Charter of Human Rights as adopted by the United Nations Organisation are very well known. These are common property today. Everybody may not know what the Islamic laws are, but many educated persons all over the world know what these principles accepted by the United Nations' Organisation as regards human rights are.

Therefore, if you put this further clarification along with the words 'as enunciated by Islam' and I believe, Sir, the principles of Islam are not inconsistent with those we have got in the United Nations' Organisation, there may be no difficulty, there may be no misapprehension, there may be no misgiving. I would just point out or rather refer to Articles 16, 17 and 18 of the Charter of Human Rights as adopted by the United Nations' Organisation. Now in Article 16 :

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone, or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Then come to Article 17 of the Charter of U. N. O. :

"Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

Article 18 : "Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association."

I believe, Sir, these principles as enunciated by U. N. O. are not different from the principles enunciated by Islam as explained to us by the Honourable the Mover.

Then, if you take the word 'democracy' as it occurs in the United Nations' Organisation. It is Article 19 :

"Everyone has the right to take part in the government of his country, directly or through freely chosen representatives..... The will of the people shall be the basis of authority of government,....."

and so on and so forth.

I believe, Sir, they also are not inconsistent with the principles of Islam as explained by the Honourable the Mover. Then take another expression :

"Article 21 : Everyone, without discrimination, has the right to equal pay for equal work. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment....."

and so on and so forth.

I believe, Sir, they also are not inconsistent with the teachings of Islam as explained by the Honourable the Mover. Sir, so if my amendment is accepted and this further clarification is made by adding these words that they are "not inconsistent with the principles adopted by the U. N. O." I think, Sir, the matter will be fully clarified and it will not only not in any way derogate from the Resolution but it will strengthen and clarify the Resolution.

Sir, there is one other point. These terms "democracy, freedom, equality" are very abstract. In their application to our day-to-day life and activities, there is scope for difference of opinion, there is scope for difference of interpretation. We know, Sir, with regard to matters of theology the teachings of the

[Prof. Raj Kumar Chakraverty.]

Holy Scriptures of different religions, there has not always been unanimity of opinion. Sir, if there is any difference of interpretation, difference of opinion, with regard to the interpretation of any of these terms, in their relation to Islam we need not bother very much about it, but we may at once refer to the well-known principles of U.N.O. as our guide. If my amendment is accepted this will be a clarification and the world will know that the Islamic principles are not inconsistent with the principles adopted by the United Nations' Organisation. Sir, if this amendment is accepted, it will be for the good of the majority community of Pakistan because it will tell the world that Islam has not a narrow ideology. Nations of the world also have adopted it. It is also good for the minority community because it will remove any misapprehensions or misunderstanding or misgiving that may be in the minds of the minorities. Therefore, Sir, I commend the amendment for the acceptance of this House.

With regard to the Resolution as a whole I have not much to say. I fully agree with my friend, Mr. Bhupendra Kumar Datta, who dealt with the main aspects of the Resolution. I should like to point out in conclusion that I am sorry I cannot accept the Resolution in the form in which it stands now and I have great objection to the Preamble as drafted. Sir, it has been my conviction and it has one of my principles of life that religion and politics should not be mixed up. Religion is after all a matter of faith and belief. It is a matter personal to everybody. It is a matter private to one's self and if we drag in religion or some other force or power in our every-day life, it may lead to endless complications and difficulties in our mundane affairs and we do not know where we shall drift.

With these words, I oppose the Resolution as a whole and commend my amendment to the House.

Mr. President : Amendment moved :

"That in the paragraph beginning with the words 'Wherein adequate provision shall be made to safeguard.....' between the words 'backward' and 'and depressed classes' the words 'and labouring' be inserted."

The House stands adjourned till 5-45 p.m.

The House then adjourned for *Asar* Prayers till Quarter to Six of the Clock.

The Constituent Assembly re-assembled after *Asar* Prayers at Quarter to Six of the Clock. Mr. President in the Chair.

MOTION RE : AIMS AND OBJECTS—*contd.*

Mr. President : The Resolution and amendments are now open to discussion.

Dr. Ishtiaq Husain Qureshi (East Bengal : Muslim) : Mr. President Sir, I would like to complement the movers of the various amendments on the excellent speeches that they have made. Most of these speeches were thought provoking and I am sure that the sentiments of patriotism which have been expressed by various movers of the amendments have been most welcome, not only to us on this side of the House, but, I believe, to the entire nation. Sir, it is in the spirit of the patriotism shown by the movers of the amendments that I would like to make a few comments upon the speeches—and the arguments contained therein—which were made in support of the various amendments. Sir, I divide those speeches into two categories. The first category reveals a fundamental difference of outlook between the mover and the supporters of the Resolution, on the one hand, and the movers of the amendments, on the other. The other speeches, which to my mind fall into the second category, are based upon a fear, a fear which cannot be justified by a close study of the wordings of the

Resolution and the principles which are embodied therein. With your permission, Sir, I would like to deal first with the fundamental difference of opinion that seems to exist between certain movers of the amendments and some of us.

Sir, it has been said that politics and religion should be completely divorced from each other, that politics and religion belongs to different aspects of human activity and, indeed, it has been said that one being founded on reason and the other on faith, they should be related to different compartments of the human mind. I would submit most humbly that this is impossible. They cannot be divorced from each other for the simple reason that our reason is fashioned by our faith and our faith is fashioned by our reason. Unless we can think cogently we cannot possibly have faith in any ideal, and unless we have some faith, it would be absolutely impossible for us to chalk out the channels into which our thought should run. Therefore, I would say that it is absolutely impossible to accept the theory of a split personality. It is impossible to accept the view that we should keep our faith apart from our political behaviour and that certain aspect of our behaviour should be fashioned purely by reason and certain other aspects purely by faith. I would leave the further discussion of this abstruse problem to the psychologists who may have studied it. I would submit that we, in any case, cannot subscribe to the view advocating divorce between faith and reason. To us religion is not like a Sunday suit which can be put on when we enter a place of worship and put off when we are dealing with day-to-day life. This conception is absolutely foreign to us. Let us examine this a little further. What does the Resolution say? The Resolution says that our polity should be based upon God consciousness. It has been said that God may be there, but do not bring him into your lives. I am reminded of a song which was fashionable amongst the Epicurean philosophers during the later period of the Roman Empire, which said: "There are no gods, but if there be, they do not meddle with the affairs of humanity." This diety epitomised the attitude which took the Roman civilisation to its undeserved end. Are we to repeat the same mistakes today? Are we really to divorce politics completely from ethical and spiritual principles? It has been said that if we permit religion to enter the realm of politics, there may be convulsions, there may be revolutions and wars. It is quite true that sometimes humanity has erred and waged wars on the basis of religion. But is it not a fact that the wars which have been fought in the lifetime of all of us were not fought for religion? I challenge anybody to prove that there was any war that was ever fought in the history of the world for religion which was so disastrous as these wars. Let us not bring such confused thinking into the consideration of this Resolution. Vast convulsions are not caused by faith they are caused by the lack of faith. It is when we do not work within the limits set down by ethics, by religion, by spiritual truth that we really get so narrow-minded, so jealous of the good things that others possess that we enter into the realm of war. I would go even further and say that whenever politics has been completely divorced from ethical principles, the sanction for which lies in our faith and not in anything else, humanity has been overtaken by disaster. I am quite willing to quote chapter and verse that various convulsions that have overtaken humanity, have been the result of lack of faith. Was it not that the Goddess of Reason was enshrined at Paris? Is it not a fact that bloodshed came in the wake of her enthronement? Has humanity forgotten the days of Red Terror followed by the White Terror? Therefore, for Heaven's sake, do not confuse matter. Whenever the emotions of people are exercised very deeply and whenever these emotions are not controlled by ethical principles which should govern the life of humanity, there has been a disaster. Therefore, Sir, I am afraid, it will not be possible at least for me to subscribe to the idea that religion and politics should be completely divorced. If anybody were to say that religious prejudice should not be permitted to effect our relation with humanity, I would certainly say, 'yes'.

[Dr. Ishtiaq Husain Qureshi.]

But, then, I submit that the Resolution does lay down that so far as the relations with non-Muslims are concerned, they will be based upon the utmost tolerance, not only on tolerance but also on the appreciation of their culture and on all that liberty and fraternity imply. Objection has been raised against the definition of these terms by the phrase 'as enunciated by Islam' and exception has been taken to that. I would submit that this is a very strange phenomenon that I see; the supporters of Reason get terribly afraid when the name of a Faith is mentioned. What is this? Is this reason? Why do you not examine the principles of that Faith? Why do you not take the trouble of looking into the pages of history? Why do you not look into the pronouncements which are being made day-after-day on the Floor of this House, so that you may be able to discard this fear? I am afraid that a great deal of confusion has been caused by thinking of legal safeguards along with political safeguards without a clear definition of the two. So far as legal safeguards are concerned, we are putting them down. So far as political safeguards are concerned, we can only make provisions in the constitution. But the real political safeguard for any minority is to win the affection and respect of the majority. There are certain things inherent in political systems which cannot be cured in any way. Those inherent factors are that the people who today govern the destinies of men can be swayed by opinions, can be swayed by education, can be swayed by various movements and all that the Resolution tries to get at is to guide the thoughts and opinions of our people and to remind the majority that whatsoever be the various forces working upon their minds, they must not forget the limits that have been prescribed by God, because it is by ignoring the limits prescribed by God that men may commit such sins as may affect the welfare of humanity. I should have thought that the fact that the Resolution lays down certain limits upon the power of the people so that they may not behave in any irresponsible manner should be the greatest guarantee of freedom and the well-being of the minority. I am surprised at seeing that it is this very limit put down willingly and voluntarily by the majority and, of course, by the entire people of Pakistan that has aroused a suspicion in the minds of my friends on the other side of the House.

A large number of other arguments have been advanced. It has been said that so far as the fundamental principles of Islam are concerned, they may be as they have been explained by the Honourable the Mover of the Resolution, but then it is asked, "How can you guarantee the fact that tomorrow there will not arise interpreters who will interpret these very terms in a different manner?" Well, Sir, who can ever guarantee that? Can any constitution of the world guarantee such a thing? So long as you lay down a law, there is always scope for interpretation. Humanly speaking, who can promise that any limits laid down today or any constitution adopted today may not be interpreted in a different manner tomorrow? But we are laying down at least one limit which cannot be provided simply by constitutional methods, and it is this. The constitution may be interpreted, as it will be, by people who come after us. We cannot bind our successors; but these interpretations must at least follow the fundamental principles which have been embodied for anybody to study in our Scriptures. Besides, it is said that simply by bringing in religion and by recognising the principles of the sovereignty of God, we are laying the foundation of absolute authority. Not only that, but we are also accused of laying the foundations of the deification of the State. I am afraid nothing could possibly betray a greater ignorance of the very words of the Preamble. The Preamble recognises right in the beginning that all authority is delegated through the people to the State and that authority really belongs to God and to none else. If that is so, how can a person believing in the existence of God simultaneously believe in the deification of the State? That is contradiction in terms.

So far as the question of absolute authority is concerned, nobody can talk of absolute authority in the twentieth century with the knowledge of political factors and of political science as we possess it today. It is known to everyone that absolute authority only resides in two places. It resides either in the dreams of the despot or in the imagination of the fool, because complete despotism is absolutely unknown to Political Science and I challenge anybody to prove that one man without the support of a large number of people can possibly rule a State. The people, if they so desire, can support absolutism. Therefore, the guarantee against absolute authority lies only in emphasising moral principles which work against absolutism, and in the recognition of the fact that authority has been delegated to the State through the people and not directly to the State. I fail to see how this militates against the idea of democracy. Endeavour has been made to prove that by the fact that the word democracy does not stand between "sovereign independent" and "State" as envisaged in the Resolution, it will not be a democratic State. Further, it is said that the fact that the authority shall be exercised through the chosen representatives of the people does not guarantee a democratic form of Government. Well, Sir, I have yet to learn how the Members who have put forward these arguments have reached such conclusions. If authority is to be exercised by the people through their chosen representatives, it is taken for granted that the people can recall such chosen representatives if law provides that, and it is for this Constituent Assembly to provide such guarantees, if they want to do so, in the constitution.

Sir, it has been said that the secular parliamentary form of government is the only form of democracy. What is meant by 'secular'? I would like my friends to consult the dictionary. The dictionary lays it down that secular is non-monastic, anything which is not dependent upon the sweet will of the priests. When we say that no priesthood is recognised by Islam, we do not know why it is said again and again that our democracy is not secular. Is it to be run by any priesthood? There is such a considerable amount of confusion in the use of the word 'secular', that one gets sick of it. Of course, if the word "secular" means that the ideals of Islam, that the fundamental principles of religion, that the ethical outlook which religion inculcates in our people should not be observed, then I am afraid, Sir, that kind of secular democracy can never be acceptable to us in Pakistan. (*Hear, hear.*)

I have been trying to understand the basis of the fear, which has prompted a number of these amendments. The basis of this fear seems to be contained in one word—and my friends would excuse me for using that word—that word, I am afraid, is "ignorance". Is it not a matter of deep humiliation for all of us that having lived in this land together for centuries we have cultivated an outlook that whenever we use the word "Islam", or we use the word "religion" it causes fear in the minds of some people? It is a matter of humiliation to us, because perhaps in the course of these centuries, in which we have lived in this sub-continent of Indo-Pakistan, we have failed to impress upon you the main principles of Islam, but I would say this that we might have failed in our duty, how is it that you, having lived as neighbours of Muslims in areas where Muslims are in a predominant majority, have kept yourselves so aloof from them that you do not really understand what Islam stands for?

Mr. President : You better address the Chair.

Dr. Ishtiaq Husain Qureshi : Sir, I was saying that this is a matter of deep humiliation both for the Muslims and the non-Muslims. A number of arguments which have been advanced have really left me absolutely bewildered. For instance, it has been asked, what will happen to the minorities; it has been asked, what is the position of the *Zimmis*; it has been

[Dr. Ishtiaq Husain Qureshi.]

said, what are you going to do with the non-Muslims ? You are creating a caste of patricians of Pakistan, you are going to be the twice-born Brahmins and that others are going to be in the position of the plebeians of Rome. I would say, Sir, that all these things are absolutely foreign to our mind for the simple reason that they are foreign to our traditions, to our culture and to our basic religious beliefs. We have never believed in the division of society into patricians and plebeians ; we have never believed that any person who does not see eye to eye with us in religious matters is sub-human or that he is not our equal in such matters as pertain to this life and to the matters of the State ; and if there had been any doubt on this point, the explanation that has been given by the Honourable the Mover of the Resolution should have been quite sufficient ; and more than that we are not the only independent Muslim State in the world—there are other Muslim States in the world—and I would ask my friends to go into the Muslim world and to see if anywhere non-Muslim minorities are being treated as plebeians or if they are considered as socially inferior or if they are debarred from taking part in the political life of the country. There are several Muslim countries where it has been laid down openly and unequivocally that their State religion is Islam. Is there any one of these States where the non-Muslim minorities are debarred from holding office or from participating in the political life of the country ? Why are they suspicious ? What is the cause of this suspicion ? I would say : Discard fear, discard suspicion, and you will find that it is better to define democracy as we are doing it than leaving it vague, undefined, as having no meaning. You say, “ what is the meaning of social justice in Islamic terminology ? ” Then you say that social justice as understood by the world is perhaps something different from social justice as understood by Islam. Then, Sir, it is said that the Fundamental Rights and the principles of tolerance, democracy and freedom should be not only consistent with the enunciation of these principles by Islam but they should also be consistent with the Charter of Human Rights as drafted by the United Nations. Sir, my friend, Prof. Chakraverty, ought to know that I am a great advocate of the incorporation of the Charter of these Rights into our Fundamental Rights but, Sir, when you say that these principles as enunciated by Islam should not come into conflict with the principles and rights as enunciated by a different authority, you imply that there is an inherent contradiction between the same. I would say here that there is no inherent contradiction ; only in Islam the meaning is richer and it is fuller.

In the end, Sir, I would suggest that instead of dwelling upon fear, instead of saying that we, by underhand means, are trying to keep the minorities in a subservient position, it would be much better to trust the majority, because—let me repeat again, Sir—the ultimate guarantee of the well-being of a minority is not the inclusion in the Constitution or in the Objectives Resolution of certain principles. They must be enunciated, it is quite true, but the real guarantee is in the behaviour of the people, and so far as the people in Pakistan are concerned the majority of them are Muslims. They have a great faith in Islam and are likely to be motivated in their actions by their faith. It is for their benefit that we are saying, “ you are a rising nation today ; being a rising nation you should not get drunk with this power that you have achieved anew ; remember the fact that all power is a sacred trust ”. There are two many examples, Sir—and I need not quote them here—of peoples who have come into their own and have achieved power and then have misused it, and, therefore, at a time when new power is obtained by peoples it is fit and proper that they should be reminded of the moral and ethical principles which should always guide them in the use of authority. Therefore, Sir, I should have thought that the Preamble and the various other clauses of the Resolution

which my friends want to get amended and modified, should have really assured them, should have given them the guarantee, the promise of a free and prosperous life that they seek and that in no way can amendments to this Resolution prove a better guarantee.

With these words, Sir, I support the Resolution.

***Maulana Shabbir Ahmad Osmani** (East Bengal : Muslim) : Mr. President, I wholeheartedly support the noble, sober and discreet Objectives Resolution moved in the House by the Honourable Mr. Liaquat Ali Khan. I felicitate him for the courage, determination and conviction which he has shown in bringing forward such a proposal in an age when the strife between the conflicting materialistic theories of life is at its bitterest.

Really speaking, this felicitation does not come from me : it comes from the oppressed and crushed soul of humanity which is for long groaning under the heels of the materialists powers, a victim of their warning passions, lust and cupidity. Its groans are so heart-rending that even its heartless assailants are sometimes moved, and, repenting of their brutality, seek to assuage its sufferings, though the endeavour is always short-lived. But they fail in their quest as they cannot discriminate between the poison that is racking the soul and its antidote and confuse the cause of the malady with its cure.

Remember, mankind has lost itself in the maze of self-enunciated and fallacious theories and the more frantic it becomes to get over it, the greater its bewilderment would be. It has strayed from the true path and the madder is its race along the new path, the remoter it would be from the goal of real felicity and well-being.

If we wish to evolve an ordered and well-knit system of life, we would have to leave the false trail we are blindly following. Just as a train is sometime shunted back in order to divert it to another track, in the same way there would be no harm if we have to retrace our steps to get on to the right path again. If we see a man racing madly along a path and we know that a few bounds more, and he would be hurled into a fathomless abyss, we cannot merrily let him rush to his death. On the contrary, it would be our duty to save him from self-destruction and lead him back to the safe and direct path. Much the same is the condition of the world to-day. If the ailing modern world seeks a panacea of its mortal malady, it would have to probe deep into the origin of its disease. It is useless to sprinkle water on the leaves and branches of a tree, if its roots which have to resist the tremendous pressure of the earth are weak. Many knotty and tangled problems of to-day can never be properly solved—no matter how deeply interested we may be in them—unless the false premises on which they are based be discarded. It should not dismay us if we are branded as conservatives and re-actionaries. We should try to unravel the tangled skein in the spirit of a seeker after truth. We should devote special attention to the reviewing and re-examining of those things which due to the powerful and insidious propaganda of the dominant and ruling nations and the fascinating and over-powering influence of their material progress and political ascendancy, have consciously or unconsciously been accepted as established facts, gospel truths and infallible principles. And we would have to make this scrutiny with the firm determination that we would regard it as a sin to stick to our faith in anything for even an instant after its falsity became apparent, even if our belief in the thing had its roots in centuries old traditions. If the world desires to make any material contribution to the real well-being of mankind it would have to revert to those eternal and

*English translation of Urdu speech.

[Maulana Shabbir Ahmad Osmani.]

inexorable principles which have been ignored by many nations in their mad scramble for power and economic domination. To illustrate it; the Ptolemaic theory of the immobility of the earth held sway over all minds for several centuries and the Pythagorean denunciation of the fallacious notion was at best a cry in the wilderness. But time came when the small seed that Pythagoras had sown in the seemingly unfruitful soil shot out of the earth and grew into a mighty tree. The lover of truth is never deterred by the prospect that people would for a time or for an age fight shy of or frown at the truth. Truth is truth, no matter whether it is acknowledged or not. It knows that a day would come when those who challenged it would be driven by the buffets of adverse circumstances to seek refuge in it. That day is now at hand and as the Honourable Mr. Liaquat Ali Khan observed, 'the narrow streak of light is heralding the brilliance of the full day'.

It behoves us not to behave like a bat which cannot bear to look upon the Sun. Pakistan desires to show a beacon light to the world, which has been caught in the vortex of materialism and has lost its way in the darkness of atheism and agnosticism. This Objectives Resolution is not a challenge to the world; it is a message of peace and hope and it guides the steps of seekers after bliss and well-being. It is our unflinching belief that before evolving a new order for the world in general and for Pakistan in particular it is incumbent upon us to ascertain fully as to who is the real master and sovereign Lord of this Universe, of which we and our State form a part and whether such a being really exists. Now if we believe that the sovereignty of the universe belongs to an Omnific and Omnipotent Being—and I think all the members and sections of this House share this belief with me—we cannot but admit that we are entitled to make use of a property, especially that of our Sovereign Lord, only to the extent we are authorised by Him. We have no right to unlawfully appropriate anything belonging to another person. It is needless to point out that the will of an owner can be known only through his word of mouth. It was to let mankind know as to what was sanctioned and authorised by Him that God sent prophets and gave revealed books unto them. And it is with the purpose of underlining this all-important fact that the expression 'within the limits prescribed by him' has been used in the Resolution and herein lies the fundamental difference between an Islamic State and a secular, materialistic State.

Islam has never accepted the view that religion is a private affair between man and his Creator and as such has no bearing upon the social or political relations of human beings. Some other religious systems may expound this theory and may, incidentally, be too idealistic to possess a comprehensive and all-embracing code of life. But Islam has no use for such false notions and its teachings are in direct contradiction to them. The late Quaid-e-Azam made the following observations in the letter he wrote to Gandhiji in August, 1944 :—

"The Quran is a complete code of life. It provides for all matters, religious or social, civil or criminal, military or penal, economic or commercial. It regulates every act, speech and movement from the ceremonies of religion to those of daily life, from the salvation of the soul to the health of the body; from the rights of all to those of each individual, from punishment here to that in the life to come. Therefore when I say that the Muslims are a nation, I have in my mind all physical and metaphysical standards and values."

In 1945, the Quaid-i-Azam observed in an Id Day message to the Muslims—

"Every Mussalman knows that the Quran is not confined to religious and moral duties. The Quran is the dearest possession of the Muslims and their general code of life—a religious, social, civil, commercial, military, judicial, criminal and penal Code. Our prophet has enjoyed on us that every Mussalman should possess a copy of the Quran and study it carefully so that it may promote our material as well as individual welfare."

The Quaid-e-Azam gave frequent expression to such ideas. In the face of such unequivocal and repeated declarations, is it not fair to say that religion has got nothing to do with politics or that if the Quaid-e-Azam had been alive, the Objectives Resolution would not have come up before this House. The Holy Quran clearly lays down :

“*Fala wa rabbeka la yoomenoonahatta yohakkemooka feema shajara bainahum summa la yajedoo fee anfusihim harajan mim-ma qazait wasa yusallemoo taslima*” (The Quran—V, IV, 9.)

“But know, by Lord they can have no (real) faith until they make thee judge in all disputes between them and find in their souls no resistance against thy decisions but accept them with the fullest conviction.”

The Holy Book further says :—

“*Wa mal-lam yahkum bema anzalal-laho fa oldeka humul kafroon.....Azzalemoon.....Alfaseqoon*”.....(The Quran—VI, V, 7.)

“And if any do fail to judge by (the light of) What God hath revealed they are (no better than) unbelievers.....wrongdoers.....rebels.”

Here it should be remembered that an Islamic State does not mean the “Government of the Ordained Priests”. How could Islam countenance the false idea which the Quran so emphatically repudiated in the following words :—

“*Ittakhazoo ahbarahum wa ruhbanahum arbabam min doonil-lah.*” (The Quran,—X, Ta’uba, 5.)

“They (the Jews and the Christians) took their priests and their anchorites to be their lords in derogation to God.”

The Islamic State means a state which is run on the exalted and excellent principles of Islam. It is evident that a State which is founded on some principles, be it theocratic or secular (like the U. S. S. R.), can be run only by those who believe in those principles. People who do not subscribe to those ideas may have a place in the administrative machinery of the State but they cannot be entrusted with the responsibility of framing the general policy of the State or dealing with matters vital to its safety and integrity.

An Islamic State is not a State in its own rights, with authority inherent in it. It is a State to which authority has been delegated. The real sovereignty belongs to God. Man is his vicegerent on Earth and discharges his obligations in this respect alone with other religious duties on the principle of a “State within a State” and within the limits prescribed by God.

The Islamic State, when it attains to its highest degree of excellence, is called a Pious State (*Hukumat-i-Rashda*). The term “*Rushd*” denotes the highest standard of excellence that a Government can possibly attain to. It means that the Government, the administrative machinery and the people are all pious. According to the Holy Quran the real aim of the Islamic State is to exhort all within its sphere of authority to do good and to shun evil. Islam has no truck with capitalism. The Islamic State brings about an equitable distribution of wealth by employing methods peculiar to it and distinct from communistic practices. It wants to keep capital in circulation, but this object is achieved in consonance with moral and legal principles and with due regard to justice, moderation and general good will. The Islamic State does not stand for abolition of private property and allows capital fund to a certain extent. For surplus wealth a *Milli Bait-ul-Mal* (Public Treasury) is maintained, on which all have equal claims. This equitable distribution of wealth keeps the balance even between wealth and penury.

[Maulana Shabbir Ahmad Osmani.]

The real basis of the Islamic State is *Shura* (mutual consultation). The Holy Quran says :

“ *wa amrohum shoora baiaahum* ” (*The Quran, XXV, shura 4.*).

“ And they conduct their affairs by mutual consultation. ”

The Islamic State is the first political institution in the world which abolished Imperialism, enunciated the principle of referendum and installed a *Caliph* (Head of the State) elected by the people in place of the King. Islam does not recognise hereditary right of kingship or supremacy acquired by force or oppression. It delegates authority to the State through and by the will of the people, though the latter are not entitled to neglect the organisation of the Government and to lend a hand to disruption, disorder and anarchy by with-holding the exercise of lawful authority. Thus the Islamic State has given a lead to all other democracies of the World.

The loftiest ideal before the Islamic State is to rise above all geographical, racial, national, professional and sectarian prejudices and to form a Government on the highest principles of humanity, the invigoration and dissemination of which is its real aim. The Islamic State was the first system of Government which, in order to translate that ideal into a concrete reality founded the Caliphate on humanitarianism. Such a State reflects in all its actions and deliberations, the greatest regard for public opinion, equality of rights, simplicity and freedom of conscience.

It is the duty of an Islamic State to fully safeguard the lives, property, honour, religious freedom and civic rights of all the loyal Non-Muslims within its jurisdiction. If any outside power endangers the security of their lives and property, the Government should declare war on that power. The Non-Muslims should not be burdened with taxes which they cannot afford to pay. If a territory is acquired as the result of a truce, all the pledges given to the Non-Muslims of that area should be fulfilled. What is most important is the fact that the enjoyment of these rights by Non-Muslims does not depend upon the sweet will of the Muslim majority ; it is a duty imposed on the latter by God to protect the rights of the minorities and they can, on no pretext whatsoever, swerve from the path of their duty.

So far as the allegations against the Islamic system of government are concerned, it would be pertinent to observe that anybody who had any misapprehensions in that respect was welcome to compare the record of the modern civilised governments with the glorious achievements of the Caliphate in the light of knowledge and reason and give a verdict as to which of the two systems best promoted the general welfare. In the glorious period of the Caliphate there was not the slightest vestige of that tyranny, oppression, treachery, despoliation, man-slaughter, destruction, mutual hate, inequality and suppression of peoples rights which is rampant in the modern world. As a matter of fact the evils which are fathered upon the Islamic State are not inherent in it; they owe their origin to those human errors which led to the emergence of a purely materialistic system of Government.

I think Gandhiji was fully conscious of this fact when he advised the Congress Ministers in 1937 to follow in the footsteps of ABU BAKR and UMAR. The Quaid-e-Azam too was referring to the basic principle of our Constitution when he observed in the course of his presidential address delivered at a Conference of the All-India Students Federation at Jullundur in 1943 :—

“ In my opinion our system of Government was determined by the Quran some 1350 years ago. ”

In his letter to the Pir Sahib of Manki Sharif in November, 1945, he clearly stated :

“ It is needless to emphasise that the Constituent Assembly which would be Predominantly Muslim in its composition, would be able to enact laws for Muslims, not inconsistent with the *Shariat* laws and the Muslims will no longer be obliged to abide by the Un-Islamic laws. ”

Such statements were repeatedly made by the Quaid-e-Azam and other League leaders before the establishment of Pakistan. I cannot quote them at length for lack of time. No Muslim or non-Muslim who has gone through those statements can be labouring under any misapprehension regarding our aims and objects. All those arguments which are now advanced against the Islamic Constitution and system of Government should have been brought forward at the time when the aforementioned declarations were being made with the greatest possible emphasis and unequivocation. The other party agreed to the partition of India notwithstanding all these arguments and the minorities in Pakistan having accepted our view-point, co-operated with us. Now, therefore, when Pakistan is an accomplished fact, there is no justification for again opposing our stand on the same old grounds. The critics cannot be unaware of the fact that whereas the Indian Union owed its independence to the joint efforts of Hindus and the Nationalist Muslims, Pakistan was brought into being solely by the endeavours and sacrifices of the Muslim Nation, and the motive force behind their demand for a separate state was the determination to preserve their peculiar national characteristics. If they choose to ignore such a simple and evident fact, there is no help for it.

It should also be kept in mind that the present world-wide economic chaos and financial instability has given a fillip to Communism and its shadow is darkening the world. The Islamic system of economy is the only system which can meet Communism on its own grounds. If we desire to save Pakistan and the Muslim World from impending disaster, the only course we can adopt is to introduce the Islamic system of life in Pakistan and to invite all Muslim Countries to co-operate with us. If all the Muslim countries formed themselves into a federation, a great Muslim Brotherhood will emerge—a consummation which has long been our most cherished desire—which would stand as a granite rock against the furious breakers of Communism and Capitalism.

Many of us wonder if we can afford to bring about a sudden and abrupt change in our present social and administrative system because it will be a natural corollary of promulgating our Islamic Constitution. They say that it would amount to a complete transformation of our national life and we would have to produce a large number of capable administrators to enforce the new Constitution which would take a very long time.

I admit that they are justified to a certain extent in what they say, but what those who make a demand for an Islamic Constitution really feel is that if an announcement be made to the effect that the Constitution of Pakistan would be based on Islamic principles, the real object and the ultimate goal of the State would be determined and every step taken in that direction would bring us nearer to our destination. Nobody can deny that this task shall have to pass through several stages before it is completed. What can be done immediately, would be done at once, while those things for which time is not yet ripe would be left over for some more opportune moment. In the meantime every possible effort would be made in a wise manner to create a more favourable atmosphere. A man is required to do only what it is within his power to accomplish. And I have made repeated references to this evolutionary process in speeches and statements before partition. In my Lahore address I observed :

“ It may take us some time to attain our high and noble ideal ; still every step that we take in this direction would bring us nearer to our cherished goal. Just as the gloom of the night is gradually dissipated and the light of the day slowly but steadily gains in brilliance ; just as a patient slowly recovers after a protracted illness and gradually recuperates his health ; in the same way Pakistan would progress by degrees towards the ultimate goal of complete national recovery and absolute independence.”

[Maulana Shabbir Ahmad Osmani.]

In the end, Mr. President, I would ask the Honorable members of this House not to be afraid of this harmless Resolution. The Pakistan movement has gone a long way towards bridging the gulf between different Muslim Sects and if some difficulties still persist, they will be smoothed out by mutual understanding. To-day all Muslim sects and countries are realising the urgency of adopting an Islamic Constitution, and it is my conviction that if my non-Muslim friends give the Constitution a fair trial they would forget all past bitterness and their confidence in the *bona-fides* of Muslims would be fully restored. They would rather feel proud that they, along with other Pakistanis, did such a great service to mankind in such a time of general unrest and turmoil. And, God willing, such task is not impossible of achievement.

The most important task now before us is to entrust the work of constitution-making to some capable, intelligent, strong and sober persons who may be able to preserve the spirit of the cardinal principles embodied in the Resolution and may grasp its real purport. It is of the utmost importance that the constitution be framed on the right lines. This is an uphill task and cannot be brought to a successful conclusion without the special favour of God. We shall invoke divine assistance at every step we take towards our goal. May God help us!

Mr. Birat Chandra Mandal (East Bengal : General) : Sir, since the beginning of the session I have not the opportunity of opening my lips, but today I thought that I should say something on the subject which in my opinion appears to be very very important and from the international point of view, I think it is really very important. I want to say that the Great Prophet Mohammad was born in Arabia and Islam also first appeared in Arabia. I think even in that country, there is a constitution in which we do not see that the principles of administration or constitution have been based on Islam. Then, Sir, I want to impress upon the House that Turkey is the most powerful Muslim country in the world. There also we do not find that the constitution has been based on Islamic principles. Then, Sir, I hear that *Ulemas* are insisting on this principle of Islam. Are there not Pandits in India who could not insist on political thinkers of India to adopt such a constitution. Are there not Bishops in England and America? But Sir, in none of the Christian countries—neither in England nor in America—nor in any other country which is dominated by Christians on the face of the globe, these *Ulemas*, I mean the Bishops, have any voice there. The constitution has all along been and everywhere on the face of the globe established on democracy and specially on the economic thinking of the political people of individual countries. But, Sir, I find a great deviation in our beloved Pakistan. It is a newly built up dominion. The founder of this dominion most unequivocally said that Pakistan will be a secular State. That great leader of ours never said that the principles of constitution will be based on Islam. So, I want to tell, through you, Sir, the Honourable the Prime Minister of our State that we are going to commit a serious blunder, a very serious blunder, and we are going to do something which is unprecedented in the history of the world. Sir, I want to impress upon him this point that he has forgotten to think about the past. In the world, constitutions have been framed long long ago. We have got our independence recently and so the Prime Minister might say, "Oh, those are the things of the past? Nowhere on the face of the globe we find a constitution which has been based on the principles of a particular religion." Hindus also have not done so on the basis of religion. It was the great Quaid-e-Azam who had given the dominion to Hindus. During the last 800 years, there has been no Hindu dominion on the face of the globe. There was Christian dominion, there was Muslim dominion, but there was no Hindu dominion on the face of the globe at least during the last 800 years. But it was our Quaid-e-Azam who created a Hindu dominion along with Muslim dominion. But to my mind, I think, the Honourable the Prime Minister is leading us to commit a serious blunder. We have forgotten

the past. He has forgotten to think of the past records of the world. He is only considering the present and he is not at the same time considering what posterity will think of us. The whole world is gradually progressing and all the civilised countries of the world are progressing. Why is it that our Pakistan should not keep pace with the advancement of other countries of the world. I live in Pakistan. I have been known to the Honourable President for the last 30 years and I have had opportunities of working with almost all the big Muslim leaders of Bengal. I never had any opposition with regard to religion because I have all along been friendly with Muslim community. I am not for Christians, not for Hindus, and not for Persians. But I am for the State, I say that my State will be guilty of framing a constitution which the posterity will condemn. I believe from the core of my heart that most progressive people will be born after our death. Mr. Liaquat Ali Khan will die and I will die, but there will be a posterity which will outlive us. Do you not see that even the ladies are working on progressive lines? World is progressing. Today we are fighting that he is a Muslim, he is a Hindu, he is a Christian, he is a Buddhist in Pakistan. But the time will come when people will not believe in their individual religions. Nobody will believe in these things. Now nobody is willing to have a constitution based on Islam or Hinduism or Christianity and nobody is willing to do anything in the name of religion. But Sir, there are people in our country who have forgotten to think about the past. The result of all this will be that they will realise afterwards that they have committed a serious blunder and the year 1949 will be reckoned as one of the bad years in the history of the world. So, I say, please look forward and make the constitution in such a way that you may not have to repent afterwards. Remember 'uneasy lies the head that wears the Crown'. So the responsibility lies on the head that moves the Resolution. I request the Honourable the Prime Minister through the Chair to consider again and again before finally coming to any conclusion whether we should adopt this Resolution at all. I would like to give you this advice in the interests of the State and not in the interests of the Hindus or Christians or Buddhists or Musalmans or Parsees. The State has got no religion. Individuals might have religion, but the State has got no religion. So, in the interests of the State, of which I am an humble member, I bring it to your notice through the President that you will be held responsible because you are the sponsor of this Resolution not only to the countries in the world which have made their constitutions in the past but also to the posterity who will think of making their constitutions in the future. So, I tell you again and again to ponder over this Resolution before you finally adopt it. With these words, Sir, I resume my seat.

The Assembly then adjourned till Four of the Clock, in the Evening, on Thursday, the 10th March, 1949.